

By: Morrison

H.B. No. 3102

A BILL TO BE ENTITLED

AN ACT

relating to political parties' governance and conventions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 162.001(a), Election Code, is amended to read as follows:

(a) A person must be affiliated with a political party to be eligible ~~[to]~~:

(1) to serve as a delegate to or otherwise participate in a convention held by the party under this code;

(2) to be elected as a member of or be appointed to fill a vacancy on a state executive committee; ~~[or]~~

(3) to be appointed to fill a vacancy on a county executive committee; or

(4) for any other purpose within the party as adopted by state party rules.

SECTION 2. Section 162.008, Election Code, is amended to read as follows:

Sec. 162.008. AFFILIATION PROCEDURE: TAKING OATH GENERALLY. (a) A ~~[This section applies only to a]~~ person may ~~[desiring to]~~ affiliate with a political party at any time by taking an oath of affiliation ~~[during that part of a voting year in which the general election for state and county officers is held that follows:~~

~~[(1) the date of the precinct conventions held under~~

1 ~~this title, for a party nominating by convention, or~~  
2 ~~[(2) 7 p.m. on general primary election day, for a~~  
3 ~~party holding a primary election].~~

4 (b) On request of a person desiring to affiliate with a  
5 political party, a member of the county executive committee for the  
6 county in which the person resides or other person authorized by  
7 party rule shall administer the oath prescribed by Section  
8 162.007(b).

9 (c) After administering the oath, the committee member or  
10 authorized person shall stamp the party's name on the person's  
11 registration certificate or issue the person an affiliation  
12 certificate as provided by Section 162.007(c).

13 SECTION 3. Section 162.011(a), Election Code, is amended to  
14 read as follows:

15 (a) A person commits an offense if for the purpose of  
16 participating in a political party's convention or other party  
17 meeting or event the person presents to a party official:

18 (1) an affiliation certificate that the person knows  
19 was not issued in compliance with this chapter; or

20 (2) a voter registration certificate with a party  
21 affiliation stamp that the person knows was not obtained in  
22 compliance with this chapter.

23 SECTION 4. Chapter 162, Election Code, is amended by adding  
24 Section 162.017 to read as follows:

25 Sec. 162.017. PREREGISTRATION. (a) A political party  
26 holding a precinct convention may preregister attendees for the  
27 convention by electronic means or any other method the party may

1 adopt by rule.

2 (b) The party may, through the preregistration process,  
3 collect the following information from attendees:

4 (1) demographic data;

5 (2) information needed to organize and prepare records  
6 of the convention; and

7 (3) any additional information required by party rule.

8 (c) In a presidential election year, the party may collect  
9 through preregistration declarations of support for presidential  
10 candidates or a statement of uncommitted status. The party may by  
11 rule use this information to aid in the selection of delegates to  
12 its county or senatorial district convention.

13 (d) If a political party collects declarations through  
14 preregistration under Subsection (c), it must employ a process by  
15 which an attendee may change the attendee's stated preference  
16 before the precinct convention.

17 (e) The preregistration process must include the statement  
18 described by Section 162.004(a) and require a preregistering  
19 attendee to affiliate with the party by taking the oath described in  
20 Section 162.007(b).

21 (f) The date and time at which preregistration opens and  
22 closes may be set by party rule.

23 (g) A person who does not preregister to attend a precinct  
24 convention under this section may register in person at the  
25 convention and must have voting rights identical to those of a  
26 person who preregistered.

27 SECTION 5. The heading to Section 163.005, Election Code,

1 is amended to read as follows:

2           Sec. 163.005. FILING AND POSTING RULES [~~WITH SECRETARY OF~~  
3 ~~STATE~~]; EFFECTIVE DATE.

4           SECTION 6. Section 163.005, Election Code, is amended by  
5 adding Subsection (f) to read as follows:

6           (f) All rules, temporary or permanent, shall be posted on  
7 the state party's Internet website.

8           SECTION 7. Section 163.006(a), Election Code, is amended to  
9 read as follows:

10           (a) A rule on electoral affairs that is to become effective  
11 in a year in which the party will hold precinct conventions under  
12 this title must be filed with the secretary of state and posted on  
13 the party's Internet website not later than the 30th day before the  
14 date the party convenes its earliest [~~of convening the~~] precinct  
15 conventions. The secretary of state may extend this deadline for  
16 good cause.

17           SECTION 8. Section 171.0221(b), Election Code, is amended  
18 to read as follows:

19           (b) The county chair shall prepare a document that shall be  
20 posted [~~sign~~] that states: "Pursuant to Section 171.0221, Election  
21 Code, (insert name of unopposed candidate for precinct chair), if  
22 otherwise eligible, shall be declared elected to the office of  
23 precinct chair at the time of the local canvass." The county chair  
24 or entity contracted to hold the election shall distribute copies  
25 of the document [~~sign~~] to the presiding judge of the election  
26 precinct with the other election supplies. An election officer  
27 shall post the document [~~sign~~] in one or more locations in the

1 polling place where it can be read by persons waiting to vote.

2 SECTION 9. Sections 171.024(a), (b), and (e), Election  
3 Code, are amended to read as follows:

4 (a) The county executive committee shall fill by  
5 appointment any vacancy on the committee. The state executive  
6 committee may by rule adopt procedures for filling vacancies.

7 (b) The state executive committee shall adopt rules  
8 regarding how many members of the county executive committee  
9 constitute a quorum for the purpose of [~~Except as provided by~~  
10 ~~Subsection (c), a majority of the committee's membership must~~  
11 ~~participate in~~] filling a vacancy. To be elected, a person must  
12 receive a favorable vote of a majority of the members voting.

13 (e) After a vacancy is filled, the county chair shall  
14 promptly deliver written or electronic notice of the replacement  
15 member's name and address to the state chair and to the county  
16 clerk.

17 SECTION 10. Section 174.021, Election Code, is amended to  
18 read as follows:

19 Sec. 174.021. SELECTION OF DELEGATES TO COUNTY AND  
20 SENATORIAL DISTRICT CONVENTIONS. (a) The delegates to a political  
21 party's county and senatorial district conventions held under this  
22 chapter shall be selected in accordance with party rules at  
23 precinct conventions held as provided by this subchapter.

24 (b) A political party may by rule allow a county with a  
25 population of 25,000 or less to hold precinct conventions before  
26 the county convention on the same day and at the same place as the  
27 county convention. The rule may modify other provisions of this

1 subchapter as necessary for the county to hold precinct conventions  
2 as provided by this subsection.

3 SECTION 11. Sections 174.022(a), (c), and (d), Election  
4 Code, are amended to read as follows:

5 (a) The precinct conventions may be held at a time and place  
6 as determined by rules adopted by the political party [~~in the~~  
7 ~~regular county election precincts on:~~

8 [(1) ~~general primary election day; and~~

9 [(2) ~~a date determined by the county executive~~  
10 ~~committee that occurs not later than the fifth day after the date of~~  
11 ~~the general primary election].~~

12 (c) If [~~precinct~~] conventions are held on general primary  
13 election day, the hour set for convening the conventions may not be  
14 earlier than 7 p.m. or later than 9 p.m., but a convention may not  
15 convene until the last voter has voted at the precinct polling  
16 place. If [~~precinct~~] conventions are held on a day other than  
17 general primary election day, the county executive committee shall  
18 set the hour for convening or a time frame in which the conventions  
19 must convene.

20 (d) The place selected for a [~~precinct~~] convention must meet  
21 the same requirements for access by the elderly and persons with  
22 physical disabilities as a polling place under Section 43.034(a).

23 SECTION 12. Sections 174.023(a) and (b), Election Code, are  
24 amended to read as follows:

25 (a) The county chair shall post a notice of the date, hour,  
26 and place for convening each [~~precinct~~] convention on the county or  
27 state party's Internet website or other Internet location easily

1 found through a search engine. If the county party does not  
2 maintain an Internet website, the chair shall post the notice on the  
3 county commissioner's bulletin board [~~used for posting notice of~~  
4 ~~meetings of the commissioners court~~]. The notice must remain  
5 posted continuously for the 10 days immediately preceding the date  
6 of the convention.

7 (b) Not later than the 10th day before the date of the  
8 precinct conventions, the county chair shall deliver to the county  
9 clerk written notice either on paper or in electronic form of the  
10 date, hour, and place for convening each precinct convention.

11 SECTION 13. Sections 174.025(a), (d), and (e), Election  
12 Code, are amended to read as follows:

13 (a) The precinct chair is the [~~temporary~~] chair of the  
14 precinct convention held under this subchapter.

15 (d) The precinct chair or temporary chair shall call the  
16 convention to order.

17 (e) The convention shall select a convention chair, if the  
18 precinct chair is absent or declines the position, and a convention  
19 secretary. The convention may select any other officers considered  
20 necessary to conduct the convention's business.

21 SECTION 14. Section 174.026, Election Code, is amended to  
22 read as follows:

23 Sec. 174.026. CONVENTION BUSINESS. After the convention is  
24 organized, the convention shall select its delegates to the  
25 subsequent [~~county or senatorial district~~] convention and conduct  
26 any other convention business.

27 SECTION 15. Section 174.027, Election Code, is amended by

1 amending Subsection (d) and adding Subsection (g) to read as  
2 follows:

3 (d) The county chair shall retain the copies of the lists  
4 stored in paper or electronic files until the end of the voting year  
5 in which they are received.

6 (g) An electronic submission to the county chair through a  
7 system created by party rule constitutes a complete delivery under  
8 Subsection (c).

9 SECTION 16. Section 174.062, Election Code, is amended to  
10 read as follows:

11 Sec. 174.062. TYPE OF CONVENTION HELD. (a) A party may  
12 adopt rules for holding conventions at any level before and  
13 including the state convention. If a state executive committee has  
14 not adopted other rules, conventions shall be held as follows:

15 (1) except [~~Except~~] as provided by Subdivision (3)  
16 [~~Subsection (c)~~], a county convention shall be held in a county if  
17 the county is not situated in more than one state senatorial  
18 district; [~~-~~]

19 (2) if [~~(b) If~~] a county is situated in more than one  
20 state senatorial district, instead of a county convention a  
21 senatorial district convention shall be held in each part of the  
22 county that is situated in a different senatorial district, unless  
23 otherwise provided by party rule; or [~~-~~]

24 (3) if [~~(c) If~~] the county executive committee for a  
25 political party determines that no suitable location for the county  
26 convention is available in the county, the county executive  
27 committee may apply to the state executive committee of that

1 political party to issue an order permitting the county convention  
2 to be held at a location outside the county.

3 (b) An order under Subsection (a)(3) [~~this subsection~~] must  
4 be entered in the minutes of the state executive committee not later  
5 than the 30th day before the date the county convention is to be  
6 held.

7 SECTION 17. Section 174.063(a), Election Code, is amended  
8 to read as follows:

9 (a) Conventions [~~The county and senatorial district~~  
10 ~~conventions~~] shall be held on a day set by the state executive  
11 committee by rule. These rules shall allow the committees at each  
12 level of convention to set the hour and place for convening their  
13 conventions [~~the third Saturday after general primary election day.~~  
14 ~~However, if that date occurs during Passover or on the day following~~  
15 ~~Good Friday, the conventions shall be held on the next Saturday that~~  
16 ~~does not occur during Passover or on the day following Good Friday].~~

17 SECTION 18. Sections 174.064(a) and (b), Election Code, are  
18 amended to read as follows:

19 (a) A notice of the hour and place for convening each county  
20 and senatorial district convention shall be posted electronically  
21 on the county or state party's Internet website or on the bulletin  
22 board used for posting notice of meetings of the commissioners  
23 court. The notice must remain posted continuously for the 10 days  
24 immediately preceding the date of the convention.

25 (b) Not later than the 10th day before the date of the county  
26 and senatorial district conventions, written notice either on paper  
27 or in electronic form of the hour and place for convening each

1 convention shall be delivered to the county clerk.

2 SECTION 19. Sections 174.065(a), (b), and (d), Election  
3 Code, are amended to read as follows:

4 (a) The county chair is the [~~temporary~~] chair of a county  
5 convention held under this subchapter. If a senatorial district is  
6 situated in more than one county, the senatorial district executive  
7 committee member from each county is the [~~temporary~~] chair of the  
8 senatorial district convention held in the territory that the  
9 committee member represents. If a senatorial district is not  
10 situated in more than one county, the chair of the district  
11 executive committee is the [~~temporary~~] chair of the senatorial  
12 district convention.

13 (b) If the person designated as [~~temporary~~] chair by  
14 Subsection (a) is absent or declines the position, a delegate to the  
15 convention may act as temporary chair.

16 (d) The convention shall select a convention chair, if the  
17 person listed in Subsection (a) is not present or has declined the  
18 position, and a convention secretary from among the delegates  
19 present. The convention may select any other officers considered  
20 necessary to conduct the convention's business.

21 SECTION 20. Section 174.067, Election Code, is amended to  
22 read as follows:

23 Sec. 174.067. STATE CONVENTION DELEGATES SERVE UNTIL NEXT  
24 PRIMARY ELECTION [~~FOR REMAINDER OF YEAR~~]. State convention  
25 delegates selected under this subchapter serve as the delegates for  
26 all state conventions held until the next general primary election  
27 date [~~during the remainder of the year in which they are selected~~].

1 SECTION 21. Section 174.068, Election Code, is amended to  
2 read as follows:

3 Sec. 174.068. VOTING AT CONVENTION. The state executive  
4 committee may adopt rules concerning voting procedures for any  
5 party convention. If the state executive committee fails to adopt  
6 rules:

7 (1) the [~~(a) The~~] delegates selected by a particular  
8 precinct convention who attend the county or senatorial district  
9 convention are entitled to cast a number of votes equal to as many  
10 delegates as that precinct convention was entitled to select; and  
11 [~~—~~]

12 (2) a [~~(b) A~~] person may not vote a proxy at a county  
13 or senatorial district convention.

14 SECTION 22. Section 174.069, Election Code, is amended by  
15 adding Subsection (c) to read as follows:

16 (c) An electronic submission to the county chair through a  
17 system created by party rule constitutes a complete delivery under  
18 Subsection (b).

19 SECTION 23. Section 174.092(a), Election Code, is amended  
20 to read as follows:

21 (a) The biennial state convention shall be convened on a  
22 date selected by the state executive committee [~~any day in June or~~  
23 ~~July~~].

24 SECTION 24. Section 174.093, Election Code, is amended to  
25 read as follows:

26 Sec. 174.093. NOTICE OF TIME AND PLACE. Before the date of  
27 the party's precinct conventions held under this chapter, the state

1 chair shall post on the party's Internet website [~~deliver written~~  
2 ~~notice of~~] the date, hour, and place for convening the biennial  
3 state convention [~~to the secretary of state, each county chair, and~~  
4 ~~each temporary chair of a senatorial district convention~~].

5 SECTION 25. Section 174.094, Election Code, is amended to  
6 read as follows:

7 Sec. 174.094. ORGANIZING THE CONVENTION. (a) The state  
8 chair is the [~~temporary~~] chair of the biennial state convention.

9 (b) The [~~temporary~~] chair shall call the convention to  
10 order.

11 (c) The [~~temporary~~] chair shall prepare a list of the names  
12 and residence addresses of the delegates and any alternate  
13 delegates to the convention and shall deliver the list to the  
14 convention.

15 (d) The convention shall select [~~a convention chair and~~] a  
16 convention secretary. The convention may select any other officers  
17 considered necessary to conduct the convention's business.

18 SECTION 26. Section 174.096, Election Code, is amended to  
19 read as follows:

20 Sec. 174.096. VOTING AT CONVENTION. The state executive  
21 committee shall adopt rules concerning the voting procedures for  
22 the convention. If the state executive committee fails to adopt  
23 rules:

24 (1) the [~~(a) The~~] delegates selected by a particular  
25 county or senatorial district convention who attend the biennial  
26 state convention are entitled to cast a number of votes equal to as  
27 many delegates as that county or senatorial district convention was

1 entitled to select; and [-.]

2 (2) a [~~(b) A~~] person may not vote a proxy for  
3 delegates [~~from more than one county or senatorial district. A~~  
4 ~~person who votes a proxy for a delegate from a county may not do so~~  
5 ~~for a delegate from a senatorial district and vice versa~~].

6 SECTION 27. Section 181.063, Election Code, is amended to  
7 read as follows:

8 Sec. 181.063. HOUR AND PLACE OF PRECINCT AND COUNTY  
9 CONVENTIONS. The hours and places for convening the county  
10 convention and precinct conventions held under this chapter shall  
11 be set as provided by Section 174.022 [~~174.022(b)~~] for setting the  
12 hours and places of precinct conventions of a party holding a  
13 primary election.

14 SECTION 28. Section 181.066, Election Code, is amended to  
15 read as follows:

16 Sec. 181.066. ORGANIZING PRECINCT CONVENTION. (a) The  
17 precinct chair is the [~~temporary~~] chair of a precinct convention  
18 held under this chapter. If the precinct chair is absent or  
19 declines the position, a participant may act as a temporary chair.

20 (b) Before conducting business, the precinct chair or  
21 temporary chair shall prepare a list containing the name and  
22 residence address of each person who is admitted to participate in  
23 the convention.

24 (c) The precinct chair or temporary chair shall call the  
25 convention to order.

26 (d) The convention shall select a convention chair if a  
27 temporary chair is acting as chair. The convention may select any

1 other officers considered necessary to conduct the convention's  
2 business.

3 SECTION 29. Section 181.067, Election Code, is amended by  
4 adding Subsection (d) to read as follows:

5 (d) An electronic submission to the county chair through a  
6 system created by party rule constitutes a complete delivery under  
7 Subsection (b).

8 SECTION 30. Section 191.007, Election Code, is amended to  
9 read as follows:

10 Sec. 191.007. ALLOCATION OF DELEGATES. Each political  
11 party holding a presidential primary election shall adopt a rule  
12 for allocating delegates:

13 (1) based on the results of the presidential primary  
14 election; or

15 (2) through the party's state convention. [~~At least 75~~  
16 ~~percent of the total number of delegates who are to represent this~~  
17 ~~state at the party's national presidential nominating convention,~~  
18 ~~excluding delegates allocated among party and elected officials,~~  
19 ~~shall be allocated in accordance with the rule among one or more of~~  
20 ~~the candidates whose names appear on the presidential primary~~  
21 ~~election ballot and, if applicable, the uncommitted status.]~~

22 SECTION 31. Sections 191.031(a) and (c), Election Code, are  
23 amended to read as follows:

24 (a) If a political party holding a primary election in a  
25 presidential election year desires to send delegates to a national  
26 presidential nominating convention of the party, the party shall  
27 select the delegates at a state convention convened on a date

1 adopted by the state executive committee occurring in [any day in  
2 ~~June of]~~ the presidential election year. Before the date of the  
3 party's precinct conventions held under Chapter 174, the party's  
4 state executive committee shall choose the date, hour, and place  
5 for the state convention.

6 (c) Before the date of the party's precinct conventions, the  
7 party's state chair shall post on the party's Internet website  
8 ~~[deliver written]~~ notice of the date, hour, and place for the state  
9 convention ~~[to:~~

- 10 ~~[(1) the secretary of state,~~  
11 ~~[(2) each county chair of the party, and~~  
12 ~~[(3) the temporary chair of each senatorial district~~  
13 ~~convention of the party].~~

14 SECTION 32. Sections 162.001(b), 174.022(b), and  
15 174.063(b) and (c), Election Code, are repealed.

16 SECTION 33. This Act takes effect immediately if it  
17 receives a vote of two-thirds of all the members elected to each  
18 house, as provided by Section 39, Article III, Texas Constitution.  
19 If this Act does not receive the vote necessary for immediate  
20 effect, this Act takes effect September 1, 2013.